

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTATE OF WANGSHENG LENG, by
and through administrator, LIPING YANG,

Plaintiffs,

v.

THE CITY OF ISSAQUAH, ISSAQUAH
POLICE OFFICER M. LUCHT #1201, and
ISSAQUAH POLICE OFFICER KYLEN
WHITTOM, #1210,

Defendants.

No. 2:19-cv-00490-TSZ

DEFENDANTS' MOTION TO SEAL
PURSUANT TO PROTECTIVE ORDER
FILED ON JUNE 27, 2019

NOTED FOR: AUGUST 14, 2020

I. RELIEF REQUESTED

Defendants wish to file information that has been designated "confidential" under Dkt # 18, a protective order. Plaintiff maintains that the information should be filed under seal. Defendants disagree, but bring this motion as required under Paragraph 4.3 of the order for the Court's determination.

II. RELEVANT FACTS

This is a civil rights case where Plaintiff is alleging Defendants caused the death of Leng Wangsheng. The protective order filed in the case defines "confidential" materials as documents or tangible items including medical or mental health information concerning Leng Wangsheng. Dkt # 18, 2:2-4. Defendants need to file Mr. Leng's autopsy report, a medical record from Eastside Fire & Rescue, and photos taken of Mr. Leng in the hospital; and reference the information contained therein to support their motion for summary

DEFENDANTS' MOTION TO SEAL PURSUANT TO
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1002-01464/509231

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1 judgment and qualified immunity. Defendants conferred with Plaintiff as required by
 2 Paragraph 4.3 of the protective order. Plaintiff states Mr. Leng's medical records are
 3 confidential and should not be made public at this time. *Id.* Defendants anticipate these
 4 documents will all be offered as exhibits at trial by one or both parties, and will be cited to
 5 and relied upon by both parties at summary judgment. As such, they believe they should
 6 not be sealed now.

7 Redaction of the record would not be sufficient as essentially the entire pages of the
 8 documents would need to be redacted.

9 III. EVIDENCE RELIED UPON

- 10 1. Declaration of Shannon Ragonese and attached exhibits.

11 IV. LEGAL ARGUMENT

12 Local Civil Rule 5(g)(2) requires Defendants to file a motion to seal this document
 13 at the same time they file the document. Plaintiff must then satisfy the requirements of
 14 Section 5(g)(3)(B) of the Rule by demonstrating why the record should be sealed by the
 15 Court.

16 Defendants do not believe these documents should be sealed. They contain private
 17 medical information, but this information is relevant to the claims Plaintiff must prove at
 18 trial. Nevertheless, Defendants are filing this motion out of an abundance of caution and to
 19 comply with the provisions of the protection order issued by the Court.

20 V. CONCLUSION

21 For the foregoing reason, Defendants respectfully request the Court to consider
 22 Defendants' motion to seal.

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1
2 DATED: July 30, 2020

3 KEATING, BUCKLIN & McCORMACK, INC., P.S.

4
5 By: /s/ Shannon M. Ragonesi

6 Shannon M. Ragonesi, WSBA #31951

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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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